



John T. Auberger
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

OCTOBER 19, 2010

General Information:

Work Session: 6:30 p.m.

Meeting: 7:00 p.m.

Roll Call:

Albert F. Meilutis, Chairman

Michelle M. Betters

Diana M. Christodaro

Randy T. Jensen

William F. Murphy

John J. Riley

Keith J. Rockcastle

Christopher A. Schiano, Deputy Town Attorney

Ivana Frankenberger, Planning Assistant

Mary Jo Santoli, Zoning Board Secretary

Absent:

Pledge of Allegiance

Additions/Deletions to the Agenda

Announcements:

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

OLD BUSINESS:

- 1. Applicant:** James S. Spears
Location: 63 Lowden Point Road
Mon. Co. Tax No.: 026.15-4-23
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing 15 ft. round, aboveground pool to be located a waterfront yard, where accessory structures, including pools, are permitted in rear yards only. Sec. 211-11 E (3)

On a motion by Mr. Jensen and seconded by Ms. Betters, it was resolved to continue the public hearing on this application until the meeting of November 3, 2010, as requested by the applicant.

Ms. Betters **Yes**
Mr. Jensen **Yes**
Mr. Murphy **Yes**
Mr. Rockcastle **Yes**

Ms. Christodaro **Yes**
Mr. Meilutis **Yes**
Mr. Riley **Yes**

Motion Carried
Application Continued
Until Meeting of
November 3, 2010

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 2. Applicant:** Salvatore's Pizzeria
Location: 2496 West Ridge Road
Mon. Co. Tax No.: 074.14-2-12
Zoning District: BR (Restricted Business)
Request: An area variance for a proposed second (west side) building-mounted sign, with a sign area of 40.0 sq. ft., instead of the one (1) 32.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(c)[1], Table VII

On a motion by Mr. Jensen and seconded by Ms. Betters, it was resolved to continue the public hearing on this application until the meeting of November 3, 2010, as the applicant did not attend this meeting.

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

**Motion Carried
Application Continued
Until Meeting of
November 3, 2010**

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 3. Applicant:** Auction Direct USA
Location: 4350 West Ridge Road
Mon. Co. Tax No.: 073.01-1-7
Zoning District: BG (General Business)
Request: A special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]

On a motion by Ms. Christodaro and seconded by Mr. Rockcastle, it was resolved to continue the public hearing on this application until the meeting of November 3, 2010, as requested by the applicant.

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

**Motion Carried
Application Continued
Until Meeting of
November 3, 2010**

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

4. **Applicant:** Texas Roadhouse
 Location: 1946 & 1960 West Ridge Road
 Mon. Co. Tax No.: 074.15-11-27 & 074.16-2-22
 Zoning District: BR (Restricted Business)
 Request: a) An area variance for a proposed freestanding restaurant to have a front setback 60.6 ft., measured from the west right-of-way line of Latona Road (aka Fetzner Road), instead of the 85.0 ft. minimum required. Sec. 211-17 B (4), Table III
 b) An area variance for 378 parking spaces instead of the 609 parking spaces required. Sec. 211-45 N(3)(B); Sec. 211-45 N (4); Sec. 211-45 P; Sec. 211-45 Q; Sec. 211-45 S (1); Sec. 211-45 Z
 c) An area variance for proposed lot coverage of 22.9%, instead of the 15% maximum permitted. Sec. 211-17 B (4), Table III
 d) An area variance for a proposed second (south side) building-mounted sign, with a sign area of 229.8 sq. ft., instead of the one (1) 50.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII

On a motion by Mr. Riley and seconded by Ms. Christodaro, it was resolved to continue the public hearing on this application until the meeting of November 3, 2010, as requested by the applicant.

**Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle**

**Yes
Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Continued
Until Meeting of
November 3, 2010**

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

NEW BUSINESS:

- 1. Applicant:** Michael E. & Kimberly A. Kimble
Location: 329 Gnage Lane
Mon. Co. Tax No.: 045.03-2-88
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for a proposed shed (14.0 ft. x 14.0 ft.; 196.0 sq. ft.) to be partially located in a front and side yard, where accessory structures, including sheds, are permitted in rear yards only. Sec. 211-11 E (3)
 - b) An area variance for an existing shed (8.6 ft. x 10.3 ft.; 88.6 sq. ft.) to have a (east) side setback of 3.6 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I
 - c) An area variance for an existing shed (8.6 ft. x 10.3 ft.; 88.6 sq. ft.) to have a (south) side setback of 3.6 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 329 Gnage Lane, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Michael and Kimberly Kimble, 329 Gnage Lane, Michael Kimble appeared before the Board of Zoning appeals this evening requesting an area variance for a proposed shed (14.0 ft. x 14.0 ft.; 196.0 sq. ft.) to be partially located in a front and side yard, where accessory structures, including sheds, are permitted in rear yards only; an area variance for an existing shed (8.6 ft. x 10.3 ft.; 88.6 sq. ft.) to have a (east) side setback of 3.6 ft., instead of the 4.0 ft. minimum required; and an area variance for an existing shed (8.6 ft. x 10.3 ft.; 88.6 sq. ft.) to have a (south) side setback of 3.6 ft., instead of the 4.0 ft. minimum required.

WHEREAS, the applicant testified this evening that he has lived at the property for about 15 years, his property is on a curve on Gnage Lane and this proves to have a problem with the placement of the proposed shed. Currently, he has an in-ground pool and a fenced-in back yard; the fence is tied into the neighbors' fence on the south side. Regarding requests "B" and "C," the existing shed is a pool cabana which stores supplies. It's an area for changing and it does have electricity and it is on a concrete base with two-by-fours. The back yard is a pie shape in-ground pool and the applicant testified that it would be a hardship for him to move the shed and it is not possible with the built-in pool and the area in the back yard. Regarding request "A," the reason for the shed, the applicant testified that he has three children and the storage inside the shed would be for bikes, sporting equipment, lawn mower, snow blower, and sporting goods. The applicant was asked if he could go with something smaller and he stated *no*; with the vehicles parked inside the garage, there is no room for all the items that I mentioned previously. The applicant was asked if the location of the shed would block the view of him pulling out of his driveway or the sidewalk with pedestrians and vehicles, and the applicant testified that no, it would not. The directions of the doors will be facing Gnage Lane and the placement of it will be where the existing fence is; he will remove it to match up with the fence. The applicant also testified that he will get with the Building Department on the placement of the shed and where it will be in conjunction with the fence. The shed will be on a concrete base with bricks and two-by-fours and it will not have electricity. There are two accesses into the back yard from two gates and, like I stated, he will remove part of the fence to put where the shed is going to be located. We did have a resident from 295 Gnage Lane who spoke in favor of the variance.

WHEREAS, Mr. Chairman, it is my opinion that granting the above-mentioned variance will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. And the alleged difficulty, however, I feel was self-created. There

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

is no other place to put the existing shed in the rear yard or the proposed shed, which will be partially located in the front and side yard where accessory structures, including sheds, are permitted in rear yards only, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions;

1. That this approval is for the life of both sheds
2. And that the applicant will meet with the Building Department for the placement of the shed in correlation to the fence.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 2. Applicant:** Donald R. & Sandra A. Ewing
Location: 125 Daffodil Trail
Mon. Co. Tax No.: 058.03-4-74
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed covered porch (14.0 ft. x 24.0 ft.; 336.0 sq. ft.), to be located 6.0 ft. from an existing in-ground pool, instead of the 10.0 ft. minimum required. Sec. 184-5 A (2)

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 125 Daffodil Trail, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Donald & Sandra Ewing, 125 Daffodil Trail, Donald Ewing appeared before the Board of Zoning appeals this evening requesting an area variance for a proposed covered porch (14.0 ft. x 24.0 ft.; 336.0 sq. ft.), to be located 6.0 ft. from an existing in-ground pool, instead of the 10.0 ft. minimum required.

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

WHEREAS, Mr. Ewing stated that he has lived there for approximately nine years, that the roof that covers the current concrete pad would be of the same color as the existing; he stated that there would be no electric or water running to the porch area. He did state that the in-ground pool is already enclosed with a chain-link fence and that he would be willing to sign a Hold Harmless Agreement with the Town concerning the roof and the close proximity to the pool.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance, I feel, is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, although the alleged difficulty is self-created by placing this roof over the concrete slab, and consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions;

1. That this approval is for the life of the porch and the roof.
2. That the applicant signs a Hold Harmless Agreement with the Town.
3. And that the porch not be enclosed.

Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes t
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 3. Applicant:** Deborah K. Kramer
Location: 618 Sharon Drive
Mon. Co. Tax No.: 074.07-2-2
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for an existing shed (8.1 ft. x 10.1 ft.; 81.8 sq. ft.), to have a (west) side setback of 0.2 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I
 - b) An area variance for an existing pool shed (6.5 ft. x 12.3 ft.; 79.9 sq. ft.), to be located 2.5 ft. from an existing in-ground pool, instead of the 10.0 ft. minimum required. Sec. 184-5 A (2)
 - c) An area variance for an existing deck, (approximately 828 sq. ft.) to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only and for said deck to have a (west) side setback of 0 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I; Sec. 211-11 E (3)

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 618 Sharon Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Deborah Kramer, 618 Sharon Drive, Mr. Bill Erickson, the new owner of the home, appeared before the Board of Zoning appeals this evening requesting an area variance for an existing shed (8.1 ft. x 10.1 ft.; 81.8 sq. ft.), to have a (west) side setback of 0.2 ft., instead of the 4.0 ft. minimum required; an area variance for an existing pool shed (6.5 ft. x 12.3 ft.; 79.9 sq. ft.), to be located 2.5 ft. from an existing in-ground pool, instead of the 10.0 ft. minimum required; and an area variance for an existing deck, (approximately 828 sq. ft.) to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only and for said deck to have a (west) side setback of 0 ft., instead of the 4.0 ft. minimum required.

WHEREAS, Mr. Erickson stated that he has owned the property for six days. He has just closed on it and he stated that through the sale and the closing, he discovered that these variances needed to be addressed with the Zoning Board. He stated that the shed and the pool shed are constructed of two-by-four wood construction. The shed houses the lawn mower and garden equipment. Both the pool shed and the shed are on concrete slabs and he stated that the pool shed, he believes, does have electric and it is used to house the pool pump and pool equipment, along with it being a changing area. He stated that the existing deck is constructed of pressure-treated lumber; the approximate height is about one foot off the ground, one to two steps.

WHEREAS, after considering the five points when determining an area variance, it is my opinion that by granting the above-mentioned variances, an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should these variances be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The lot is very narrow and seeing that he was unaware of this when he purchased it, these variances needed to be cleaned up. The requested area variance, I feel, is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty, however, was self-created, but not by the new owner, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions;

1. That this approval is for the life of the shed, pool shed and the deck.
2. That the applicant signs a Hold Harmless Agreement with the Town concerning the proximity to your neighbor's property.
3. And that all permits need to be obtained through the Town.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 4. Applicant:** Richard E. Schultz
Location: 142 Stone Road
Mon. Co. Tax No.: 060.74-5-5
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing deck, (approximately 224 sq. ft.) to be located in a side yard, where accessory structures, including decks, are permitted in rear yards only. Sec. 211-11 E (1)

On a motion by Ms. Betters and seconded by Ms. Rockcastle, it was resolved to continue the public hearing on this application until the meeting of November 3, 2010, as requested by the applicant.

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

**Motion Carried
Application Continued
Until Meeting of
November 3, 2010**

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 5. Applicant:** Kitty O. Callaghan
Location: 209 Brookridge Drive
Mon. Co. Tax No.: 060.71-3-3
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for lot coverage of 30%, where 27.9% was granted by the Board of Zoning Appeals on October 5, 2004. Sec. 211-11 D (2), Table I

Mr. Meilutis offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 209 Brookridge Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(9) & (10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Meilutis then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Kitty Callaghan, 209 Brookridge Drive, Ms. Callaghan appeared before the Board of Zoning appeals this evening requesting an area variance for lot coverage of 30%, where 27.9% was granted by the Board of Zoning Appeals on October 5, 2004.

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

WHEREAS, the applicant states that she has owned the property since 1981 and the deck was put in shortly after they purchased the house in the early eighties. The applicant now says that she would like to put a three-season room over the existing concrete pad and place a hot tub into it. The applicant has testified that this variance if granted will give her value and will improve her property with a three-season room.

WHEREAS, having just summarized the findings of fact and recognizing the five statutory factors that this Board is confronted with, an undesirable change will not be produced in the neighborhood or be a detriment to the properties in granting this area variance. The applicant testified that there are other homes and nearby properties that do have rear rooms on them and it is not uncommon for homes throughout the town to have three-season rooms placed on their property with proper permits and in some cases variances. The benefit to the applicant cannot be achieved by some other method feasible for the applicant to pursue. She wants to have the hot tub not only enclosed, but controlled from outside intrusion by persons not welcome. The area variance is not substantial in nature. This particular property, this deck, has existed for a number of years and it is merely putting in a structure over an existing deck. The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Once again, it is very common to have these types of three-season rooms on the back of homes and we had no opposition to her application tonight from local neighbors. Though the alleged difficulty is self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this application. The applicant merely wants to improve her home and have the enjoyment of a hot tub in a safe secure manner.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application as requested.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried
Application Approved

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 6. Applicant:** Robert M. Latone, Jr.
Location: 414 Sweet Acres Drive
Mon. Co. Tax No.: 034.01-2-28
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing covered porch (9.0 ft. x 14.0 ft.; 126 sq. ft.), to have a front setback of 54.9 ft. (measured from the north right-of-way line of Sweet Acres Drive), instead of the 60.0 ft. minimum established by the neighborhood average. Sec. 211-11 D (1)(b)

Ms. Betters offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 414 Sweet Acres Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(9) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Ms. Betters then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Robert Latone, Jr., 414 Sweet Acres Drive, Mr. Latone, Jr. appeared before the Board of Zoning appeals this evening requesting an area variance for an existing covered porch (9.0 ft. x 14.0 ft.; 126 sq. ft.), to have a

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

front setback of 54.9 ft. (measured from the north right-of-way line of Sweet Acres Drive), instead of the 60.0 ft. minimum established by the neighborhood average.

WHEREAS, the applicant testified that he was not sure of the setback and he started to do the work on the porch; it would be a financial hardship for him to start again. The porch will be made of wood over an existing footprint of concrete that is a front entrance; it is covered. He also stated that the existing concrete was broken apart due to age and weather. Also, a letter was submitted from Mr. Webber of 404 Sweet Acres Drive and that was a positive letter stating that it would be an asset or that it would nice in the neighborhood.

WHEREAS, after considering the criteria when determining an area variance, it is my opinion that there is not an undesirable change in the neighborhood in granting this variance, nor will it be a detriment to the nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance, in my opinion, is not substantial. The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the condition that the proper permits be obtained.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 7. Applicant:** West Fire Systems, Inc.
Location: 465 Stone Road
Mon. Co. Tax No.: 060.82-9-1
Zoning District: BR (Restricted Business)
Request: An area variance for an existing freestanding sign (approximately 8.0 sq. ft.), to be located a distance of 1.5 ft. from the (south) right-of-way line of Stone Road, instead of the 15.0 ft. minimum required. Sec. 211-52 B (1)(b)[1]

Mr. Riley offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 465 Stone Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried

Mr. Riley then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of West Fire Systems, Inc., 465 Stone Road, Michael West, appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing freestanding sign (approximately 8.0 sq. ft.), to be located a distance of 1.5 ft. from the (south) right-of-way line of Stone Road, instead of the 15.0 ft. minimum required.

WHEREAS, appearing on behalf of West Fire Systems this evening is Mr. Michael West, they have owned the property since approximately 2004 and I would first like to recognize this motion as an Unlisted action.

WHEREAS, back to the main motion, the findings of facts are as follows: Mr. Michael West testified that in August of this year he received notice from the Town for noncompliance of this existing sign. It appears and through correspondence from previous

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

tenants that this sign has been in place and in existence for the better part of 30 years. It has survived several tenants, as noted in the correspondence from Cornerstone Dental, which was dated September 14, 2010. As testified to by the applicant, in order for him to comply with the setback requirements, his sign would sit in the middle of a parking lot, thereby disrupting the parking situation as a whole and the traffic flow in and out of his business, and further causing a financial hardship upon the applicant. The existing sign appears in good repair; it is of metal construction and has been well maintained over the years. As testified to by the applicant, it is not illuminated and it fits the character of the neighborhood, in my opinion. The sign location has survived numerous roadway and sidewalk improvements throughout the years and although its current setback of 1.5 ft. from the Stone Road right-of-way does not impede or otherwise interfere with any sidewalk traffic. Further, it does not appear to obstruct any roadway views from motorists in the area.

WHEREAS, based on the findings of facts, I am going to move to approve the application with two conditions:

1. That this approval is for the life of the sign, specific to the existing dimensions today; also, non-illumination.
2. And that the applicant—which he has agreed to—signs a Hold Harmless Clause with the Town of Greece.

Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Conditions

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 8. Applicant:** Bike Zone
Location: 2100 West Ridge Road
Mon. Co. Tax No.: 074.15-14-16
Zoning District: BR (Restricted Business)
Request:
- a) An area variance for a proposed freestanding sign (4.0 ft. x 8.0 ft.; 32.0 sq. ft.), to be located a distance of 2.0 ft. from the (north) right-of-way line of West Ridge Road, instead of the 15.0 ft. minimum required. Sec. 211-52 B (1)(b)[1]
 - b) An area variance for a proposed freestanding sign to have a total area of 32.0 sq. ft., instead of the 20.0 sq. ft. maximum permitted. Sec. 211-52 B (1)(d), Table VI
 - c) An area variance for a proposed second (east side) building-mounted sign, with a sign area of 28.0 sq. ft., instead of the one (1) 50.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B(2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2100 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		
		Motion Carried	

Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Bike Zone, 2100 West Ridge Road, David Silloway, owner of the Bike Zone, appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed freestanding sign (4.0 ft. x 8.0 ft.; 32.0 sq. ft.), to be located a distance of 2.0 ft. from the (north) right-of-way line of West Ridge Road, instead of the 15.0 ft. minimum required; an area variance for a proposed freestanding sign

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

to have a total area of 32.0 sq. ft., instead of the 20.0 sq. ft. maximum permitted; and an area variance for a proposed second (east side) building-mounted sign, with a sign area of 28.0 sq. ft., instead of the one (1) 50.0 sq. ft. building-mounted sign permitted.

WHEREAS, the applicant testified that he has been in business for 13 years and they recently purchased the building at 2100 West Ridge Road and are now renovating it for a move to that site. The building sits below street level by a few feet. This property did lose some space at the parking area when the State did their West Ridge Road expansion project. In determining the location for the freestanding sign, the applicant kept the sign in line with neighboring businesses. There is a median on West Ridge Road at this site and placing the freestanding sign in this location will assist the traffic pattern and allow people entrance into the property. The main entrance of this site is off Ridgecrest Road and not off West Ridge Road. They are proposing an internally illuminated sign. With regard to the second building-mounted sign, during the course of the testimony the applicant has decided to withdraw item "C."

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood with putting this freestanding sign in this location and it is not of out character in the neighborhood. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue, as it would interfere with existing parking on the property. It is my opinion that the requested area variance is not substantial. There will be no impact on the physical or environmental conditions of the neighborhood. The alleged difficulty was not self-created, as the applicant is moving into an existing vacant building and utilizing the setup on that site.

WHEREAS, I am going to move to approve items "A" and "B" of this application with the condition that he signs a Hold Harmless Agreement with the Town of Greece with regard to the freestanding sign, so if anything happens to it, if it is hit by a plow truck or something, that you will not hold the Town liable.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Condition

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 9. Applicant:** Transitowne Dodge of Greece, Inc.
Location: 4477 West Ridge Road
Mon. Co. Tax No.: 073.01-3-14
Zoning District: BG (General Business)
Request: An area variance for a proposed seventh (north side) building-mounted sign, with a sign area of 38.0 sq. ft. ("Ram"), with an overall total sign area of 195.0 sq. ft., where six (6) building-mounted signs totaling 157.0 sq. ft. was granted by the Board of Zoning Appeals on January 18, 2005. Sec. 211-52 B(2)(a) [1]& Sec. 211-52 B (2)(c)[1], Table VII

Mr. Riley offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 4477 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Riley then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Transittowne Dodge of Greece, Inc., 4477 West Ridge Road, Mr. James Peacock from Premier Signs appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed seventh (north side) building-mounted sign, with a sign area of 38.0 sq. ft. ("Ram"), with an overall total sign area of 195.0 sq. ft., where six (6) building-mounted signs totaling 157.0 sq. ft. was granted by the Board of Zoning Appeals on January 18, 2005.

WHEREAS, on the main motion, the findings of facts are as follows: Mr. James Peacock from Premier Signs Systems stood before the Board tonight and explained a re-branding of sorts from the Chrysler Corporation, affecting all dealers nation wide. Basically,

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

Dodge trucks are going to be splitting off under the "Ram" logo for advertisement purposes, and nationally Chrysler has mandated that all dealerships follow suit. This application pertains to an existing building, which was built in approximately 2004. The sign package, currently the numbers—the square footage for the sign package that is proposed tonight—falls under what would normally be acceptable if the applicant was utilizing one sign. This application is being split into seven separate signs, and tonight there is basically one addition to the existing sign package that we are talking about and that is the new "Ram" logo. Due to the fact that this building sits back approximately 220 ft. from the road, I do not see this as an excessive request; I do not consider it substantial. This dealership has competition directly to its west and to its northeast across the street, and granting this variance in my opinion will not create an undesirable change in the neighborhood or alter the character of it. It is also my opinion that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, I am going to move to approve the application.

Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

- 10. Applicant:** Walgreen Company
Location: 651 Long Pond Road
Mon. Co. Tax No.: 045.03-1-4.1
Zoning District: BR (Restricted Business)
Request: a) An area variance for a second proposed (south side) building-mounted sign, with a sign area of 49.7 sq. ft., instead of the one 50 sq. ft. building-mounted sign permitted. Sec. 211-52 B(2)(a)[1] & Sec. 211-52 B(2)(c)[1], Table VII
b) An area variance for a third proposed (north side) building-mounted sign, with a sign area of 49.7 sq. ft., instead of the one 50 sq. ft. building-mounted sign permitted. Sec. 211-52 B(2)(a)[1] & Sec. 211-52 B(2)(c)[1], Table VII

Mr. Meilutis offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 651 Long Pond Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations,

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		
		Motion Carried	

Mr. Meilutis then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Walgreen Company, 651 Long Pond Road, this application came before the Board of Zoning Appeals this evening with two requests: an area variance for a second proposed (south side) building-mounted sign, with a sign area of 49.7 sq. ft., instead of the one 50 sq. ft. building-mounted sign permitted; and an area variance for a third proposed (north side) building-mounted sign, with a sign area of 49.7 sq. ft., instead of the one 50 sq. ft. building-mounted sign permitted.

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

WHEREAS, the applicant testified that the Walgreen Company is looking to establish this new building, this new drug store, at the address noted and that they want to get maximum identity on the building to help promote the business and identify where the business is. There was considerable discussion by the Board during the course of the hearing of what the thought of two versus the total of three signs on the building, and generally the Board thought that the third sign was excessive. The Board also discussed the possibility of the impact, the potential impact, on the neighbors across the street with regard to the sign on the north side of the building. The applicant did present the Board with an extensive package of information, which also included exhibit "D," which identified several other buildings in close proximity to this address that identified multiple signs on the building, but in further investigation of the exhibit, it was determined that the majority, if not all, of the buildings cited in here only have two signs on the building, not a total of three, some being freestanding and one being of course in a plaza which has two sides to it as well as an end cap. The applicant indicated that the Walgreens will have a presence on the freestanding signs, which are not part of this application, but does offer the thought that the Walgreens will be clearly identified as in this project and on the site from freestanding signs, two of them, to building-mounted sign, to perhaps a second or as requested a third building-mounted sign.

WHEREAS, I would like to go through the five statutory factors that we are confronted with:

First, that an undesirable change will not be produced in the character of the neighborhood or nearby properties by granting this variance. I want to address that a little bit because for the most part, I believe if this application were modified slightly to only include two signs, there would be little impact to the intersection and that this has been deemed as a commercial development site and that there are other businesses with multiple signs on them in near proximity. The third sign on the north side, however, I do believe that it may have an effect on the character of the neighborhood in that we do have residential properties across the street and the applicant is permitted the one sign on the Long Pond Road side, which I understand, but I think that that does add considerable more lights and visibility and it will be a freestanding sign by the road, and two signs visible from the north and the east side of the building may be excessive to the neighborhood.

The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than an area variance. The area variance for an additional sign is required and I really think the applicant has stretched to make an argument for even that second sign, let alone a third sign; however, recognizing its proximity to the intersection and the fact that we may be able to direct traffic in a more orderly pattern to the site if they are able to see the sign on the south elevation, I believe it will be a benefit to the traffic flow in the area and perhaps avoid some accidents or folks getting misdirected.

The benefit to the applicant cannot be sought by some other method feasible for the applicant to pursue. It is a new business. We welcome new businesses in the town and we want them to be successful, but we also want to be successful without a devastating impact to our residential neighborhood.

The requested area variance is not substantial. We do have other buildings in this general area that have two signs. We have also been consistent where we have had applications in for three signs and we have denied three signs on similar properties, including I believe at least one of the buildings that are contained in exhibit "D" of the applicant's application.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. Providing it's controlled, and I

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

believe that with the other commercial development nearby, we can keep this in character with moderation.

The alleged difficulty was self-created, which is relevant to the decision of the Board, but does not necessarily preclude the granting of the application. We are predisposing to some degree that these signs, additional signs, are needed. The building isn't even up yet, we don't even have a building there that says people can't find it. Generally, the drug stores in the area are fairly close draws to the neighborhood; people will quickly recognize it. On the other hand, a request for a sign on the south elevation as previously stated will help, I think, direct folks there in a safer manner. So, while if they're permitted the one sign on Long Pond Road and that's where they chose to take their one sign, I believe that the second sign will be helpful. I do question the applicant's wisdom on not looking at the bigger picture and the sign on the west side and as part of this decision, I don't want to, more candidly, preclude them from coming in again, but we are, I believe, reaching far right now to even approve a second sign, let alone a third requested and potentially a fourth down the road to direct people within the site to the Walgreens store.

WHEREAS, having summarized those findings of fact, I am going to move to approve the application with the following condition:

1. That we are going to move to approve a second sign to be proposed on the south side of the building with an area sign of 49.7, which is about 7 ft. less than we approved for the Walgreens on Mount Read Boulevard and Maiden Lane that was also cited during the applicant's presentation.

And, I am going to move to deny the application for the third sign, which would be on the north side of the building.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle**

**Yes
Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Approved
With Conditions**

BOARD OF ZONING APPEALS MINUTES
OCTOBER 19, 2010

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Dated: _____
Albert F. Meilutis, Chairman

J:\ZoningBoard\Minutes\2010 Minutes\Minutes Oct 19 10.doc